

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL (SFM)
REGARDING THE ADOPTION BY REFERENCE OF THE
2005 EDITION OF THE NATIONAL ELECTRICAL CODE (NEC)
WITH AMENDMENTS INTO THE 2007 CALIFORNIA ELECTRICAL CODE
CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 3.**

The Administrative Procedure Act requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE

The specific purpose of this rulemaking effort by the Office of the State Fire Marshal (SFM) is to act accordance with Health and Safety Code section 18928, which requires all proposed regulations to specifically comply with this section in regards to the adoption by reference with amendments to a model code within one year after it's publication.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2005 National Electrical Code and published as the 2007 California Electrical Code.

The general purpose of this proposed action is principally intended to update and codify a new edition of the California Electrical Code (California Code of Regulations, Title 24, Part 3) based upon a more current edition of a model code. The current California Electrical Code in effect is the 2004 California Electrical Code which is based upon the 2002 National Electrical Code of the National Fire Protection Association. This proposed action:

- Repeal the 2002 National Electrical Code of the National Fire Protection Association and incorporate and adopt in its place the 2005 National Electrical Code of the National Fire Protection Association for application and effectiveness in the 2007 California Electrical Code pursuant to Health and Safety Code 18928. Health and Safety Code 18928 requires any state agency adopting model codes to adopt the most recent edition.
- Repeal amendments to the 2002 National Electrical Code and/or California Building Standards not addressed by the model code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(a)(7).
- Adopt and implement additional necessary amendments to the 2005 National Electrical Code that address inadequacies of the 2005 National Electrical Code as they pertain to California laws.
- Bring forward previously existing California amendments, which represent no change in their effect from the 2004 Triennial California Building Standards Code. Some of the existing California amendments will be amended as follows:
 - Renumbering in order to fit into the newly text of the 2005 edition of the National Electrical Code.
 - Adding or changing the references to the application authority of SFM.
 - Language changes for clarification of existing law.
 - Not adopting into the text of the 2005 edition of the National Electrical Code .
- Codify non-substantive editorial and formatting amendments from the format based upon the 2002 National Electrical Code to the format of the 2006 National Electrical Code.

The specific purpose and rationale of each adoption, amendment, or repeal is as follows:

ARTICLE 89 CA – Administration

The SFM is proposing the adoption of various sections listed below from California Article 89-Administration.

Section 89.1	Title.
Section 89.2	Purpose.
Section 89.3	Scope.
Section 89.4	Exempted from this Code.
Section 89.5	Non-Building Standards, Orders and Regulations.
Section 89.6	Order of Precedence and Use.
Section 89.7	Application.
Section 89.7.8	SFM-Office of the State Fire Marshal.
Section 89.8	Adopting Agency.
Section 89.9	Format.
Section 89.10	Validity.
Section 89.11	Standard and Reference Documents.

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CHAPTER 1 – General - Articles 100 and 110

The SFM is proposing the adoption by reference the entire Article 100 – Definitions without SFM amendments.

The SFM is proposing the adoption by reference the entire Article 110 - Requirements for Electrical Installations without SFM amendments.

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CHAPTER 2 – Wiring and Protection - Articles 225 and 250

The SFM is proposing the adoption by reference of only those sections listed below from Article 225 - Outside Branch Circuits and Feeders, without SFM amendments.

Section 225.19(E) Zone for Fire ladders.

The SFM is proposing the adoption by reference of only those sections listed below from Article 250 – Grounding, without SFM amendments.

Section 250.112(I) Power-Limited Remote-Control, Signaling, and Fire Alarm Circuits.

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CHAPTER 3 – Wiring Methods and Materials - Articles 300, 314, 320, 330, 332, 334, and 362

The SFM is proposing the adoption by reference of only those sections listed below from Article 300 - Wiring Methods, without SFM amendments.

- Section 300.21 Spread of Fire or Products of Combustion.**
Section 300.22 Wiring in Ducts, Plenums, and Other Air-Handling Spaces.

The SFM is proposing the adoption by reference of only those sections listed below from Article 314 - Outlet, Device, Pull and Junction Boxes, Conduit Bodies and Fittings, without SFM amendments.

- Section 314.15 Damp, Wet, or Hazardous (Classified Locations).**

The SFM is proposing the adoption by reference of only those sections listed below from Article 320 – Armored Cable: Type AC, without SFM amendments.

- Section 320.2 Definition.**

The SFM is proposing the adoption by reference of only those sections listed below from Article 330 - Metal-Clad Cable: Type MC, without SFM amendments.

- Section 330.2 Definition.**
Section 330.10 Uses Permitted.
Section 330.12 Uses Not Permitted.

The SFM is proposing the adoption by reference of only those sections listed below from Article 332 - Mineral-Insulated, Metal-Sheathed Cable: Type MI, without SFM amendments.

- Section 332.2 Definition.**
Section 332.10 Uses Permitted.
Section 332.12 Uses Not Permitted.

The SFM is proposing the adoption by reference of only those sections listed below from Article 334 - Nonmetallic Sheathed Cable Types NM, NMC, and NMS, without SFM amendments.

- Section 334.10(A) Type NM.**
Section 334.10(B) Type NMC.
Section 334.12 Uses Not Permitted.

The SFM is proposing the adoption by reference of only those sections listed below from Article 362 - Electrical Nonmetallic Tubing, without SFM amendments.

- Section 362.2 Definition.**
Section 362.10 Uses Permitted.
Section 362.12 Uses Not Permitted.

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CHAPTER 4 – Equipment for General Use, Articles 400, 410, 422, and 450

The SFM is proposing the adoption by reference of only those sections listed below from Article 400 - Flexible Cords and Cables, without SFM amendments.

Section 400.6	Markings.
Section 400.7	Uses Permitted.
Section 400.8	Uses Not Permitted.
Section 400.9	Splices.
Section 400.10	Pull at Joints and Terminals.
Section 400.12	Minimum Size.
Section 400.13	Overcurrent Protection.
Section 400.14	Protection from Damage.
Section 400.30	Scope.
Section 400.31	Construction.
Section 400.32	Shielding.
Section 400.33	Grounding.
Section 400.34	Minimum Bending Radii.
Section 400.35	Fittings.
Section 400.36	Splices and Terminations.

The SFM is proposing the adoption by reference of only those sections listed below from Article 410 - Lighting Fixtures, Lamp Holders, Lamps, and Receptacles, without SFM amendments.

Section 410.5	Fixtures Near Combustible Material.
Section 410.6	Fixtures Over Combustible Material.
Section 410.8(D)	Location.
Section 410.12	Outlet Boxes to Be Covered.
Section 410.13	Covering of Combustible Material at Outlet Boxes.
Section 410.86(C)	Adjacent to Combustible Materials.

The SFM is proposing the adoption by reference of only those sections listed below from Article 422 – Appliances, without SFM amendments.

Section 422.10	Branch-Circuit Rating.
Section 422.11	Overcurrent Protection.
Section 422.12	Central Heating Equipment.
Section 422.16	Flexible Cords.

The SFM is proposing the adoption by reference of only those sections listed below from Article 450 - Transformers and Transformer Vaults (Including Secondary Ties) without SFM amendments.

Section 450.13	Accessibility.
Section 450.21	Dry-Type Transformers Installed Indoors.
Section 450.23	Less-Flammable Liquid-Insulated Transformers.
Section 450.24	Nonflammable Fluid Insulated Transformers.
Section 450.26	Oil-Insulated Transformers Installed Indoors.
Section 450.27	Oil-Insulated Transformers Installed Outdoors.
Section 450.41	Location.
Section 450.48	Storage in Vaults.

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CHAPTER 5 – Special Occupancies, Articles 500, 501, 502, 503, and 527

The SFM is proposing the adoption by reference the entire Article 500 – Hazardous (Classified) Locations, Classes I, II, and III, Divisions 1 and 2 without SFM amendments.

The SFM is proposing the adoption by reference the entire Article 501 - Class I Locations without SFM amendments.

The SFM is proposing the adoption by reference the entire Article 502 - Class II Locations without SFM amendments.

The SFM is proposing the adoption by reference the entire Article 503 - Class III Locations without SFM amendments.

The SFM is proposing the adoption by reference the entire Article 590 – Temporary Wiring, as amended. The SFM is also proposing to modify the existing SFM amendments of the 2004 CEC Section 527.3(C) into Section 590.3(C) of the 2007 CEC.

Section 527.3(C) Emergencies and Tests.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale of these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather.

CHAPTER 6 – Special Equipment, Article 625

The SFM is proposing the adoption by reference the entire Article 625 – Electric Vehicle Charging System Equipment as amended. The SFM is also proposing to modify the existing SFM amendments of the 2004 CEC Section 625-29(E) for the 2007 CEC.

Section 625.29(D) Ventilation Required.

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CHAPTER 7 – Special Conditions, Articles 700, 701, 702, 725, and 760

The SFM is proposing the adoption by reference the entire Article 700 – Emergency Systems. The SFM is also proposing to modify the existing SFM amendments of the 2004 CEC Section 700.12(B)(2) for the 2007 CEC.

Section 700.12(B)(2) Generator Set.

The SFM is proposing the adoption by reference the entire Article 701 – Legally Required Standby Systems without SFM amendments.

The SFM is proposing the adoption by reference the entire Article 702 – Optional Standby Systems without SFM amendments.

The SFM is proposing the adoption by reference the entire Article 725 – Class 1, Class 2, and Class 3 Remote-Control, Signaling and Power-Limited Circuits without SFM amendments.

The SFM is proposing the adoption by reference the entire Article 760 – Fire Alarm Systems. The SFM is also proposing to modify the existing SFM amendments of the 2004 CEC Section 760.1.1 for the 2007 CEC.

Section 760.1.1 Equipment and Systems.

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TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

(Government Code Section 11346.2(b)(2))

The SFM did not rely on any technical, theoretical, and empirical study, report, or similar documents outside of the 2005 NEC in proposing that CBSC adopt said model code as a reference standard for the placement of SFM's existing regulatory amendments of the 2004 California Electrical Code.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(3)(A))

The SFM has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed adoption by reference with SFM amendments.

The CBSC has recommended that the 2005 Edition of the NEC be used by all proposing state agencies as the basis for the 2007, CEC. Therefore, there are no alternatives available to the SFM regarding the proposed adoption of an electrical code.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

(Government Code Section 11346.2(b)(3)(B))

The CBSC has recommended that the 2005 Edition of the NEC be used, as the bases of the 2007 CEC, therefore there were no alternatives offered to the SFM regarding which model code was to be used as the foundation for the placement of the SFM's existing 2004 CEC amendments.

Therefore, no alternatives have been identified or that have otherwise been identified and brought to the attention of the SFM that would lessen any adverse impact on small business.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.

(Government Code Section 11346.2(B)(4))

The SFM has made an initial determination that this proposed action will not have a significant adverse economic impact on business. Health and Safety Code Section 18928 requires the SFM, when proposing the adoption of a model code, national standard, or specification shall reference the most recent edition of the applicable model code, national standard, or specification. Therefore, there are no other facts, evidence, documents, testimony, or other evidence on which the SFM relies to support this rulemaking.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 113465.2(b)(5))

The SFM has determined that this proposed rulemaking action does not unnecessary duplicate or conflict with federal regulations contained in the Code of Federal Regulations that address the same issues as this proposed rulemaking.